

PHILLIP A. TALBERT
United States Attorney
BRITTANY M. GUNTER
Assistant United States Attorney
2500 Tulare Street, Suite 4401
Fresno, CA 93721
Telephone: (559) 497-4000
Facsimile: (559) 497-4099

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES PATRICK BREEDLOVE III,

Defendant.

CASE NO. 1:22-CR-00239-JLT-SKO

STIPULATION TO SET CHANGE OF PLEA
HEARING AND VACATE TRIAL DATE AND
TRIAL CONFIRMATION HEARING; ORDER

DATE: March 25, 2024
TIME: 1:30 p.m.
COURT: Hon. Jennifer L. Thurston

The United States of America, by and through its counsel of record, Assistant United States Attorney Brittany Gunter, and defendant James Patrick Breedlove III, by and through defendant's counsel of record, John Garland, hereby stipulate as follows:

1. The parties have reached a resolution, and a plea agreement has been filed. Dkt. 30.
2. After conferring about available dates wherein counsel and the defendant can appear, the parties request that the Court set a change of plea hearing for May 28, 2024, at 9:00 a.m.
3. The defendant needs until May 28, 2024, to make travel arrangements to appear at the hearing, to discuss and prepare for the change of plea with his counsel, and to discuss and begin preparing for sentencing. Counsel for the defendant believes that failure to grant the above requested continuance would deny him the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.
4. The parties have confirmed the Court's availability on May 28, 2024, for a change of plea

1 hearing.

2 5. In light of the anticipated change of plea, the parties requests that the Court vacate the
3 April 23, 2024, trial date and the March 25, 2024, trial confirmation hearing.

4 6. Pursuant to the relevant provisions of 18 U.S.C. § 3161, the parties previously obtained a
5 waiver of time through April 23, 2024. Dkt. 27. The parties stipulate that the period of time from April
6 23, 2024, through May 28, 2024, is also excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and
7 3161(h)(7)(B)(i) and (iv) because it results from a continuance granted by the Court at the parties'
8 request on the basis of the Court's finding that the ends of justice served by taking such action outweigh
9 the best interests of the public and the defendant in a speedy trial.

10 IT IS SO STIPULATED.

11 Dated: January 11, 2024

12 PHILLIP A. TALBERT
United States Attorney

13
14 /s/ BRITTANY M. GUNTER
BRITTANY M. GUNTER
Assistant United States Attorney

15
16 Dated: January 11, 2024

17 /s/ JOHN GARLAND
JOHN GARLAND
Counsel for Defendant

ORDER

IT IS ORDERED that:

(1) A change of plea hearing is set for **May 28, 2024, at 9:00 a.m.**

(2) The April 23, 2024, trial date and the March 25, 2024, trial confirmation hearing are
VACATED.

IT IS FURTHER ORDERED THAT the period of time from April 23, 2024, through May 28, 2024 is excluded pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv) because it results from a continuance granted by the Court at the parties' request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interests of the public and the defendant in a speedy trial.

IT IS SO ORDERED.

Dated: **January 12, 2024**


UNITED STATES DISTRICT JUDGE